

1. Claims 1-27 and 29-36 are still pending for examination. Claim 28 was canceled.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 26, 27 and 29 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

The claim is drawn to a “computer readable medium”. The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media (or non-transitory media) and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is **silent** (or absent of a controlling definition in the specification). See MPEP §2111.01. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter); see Interim Examination Instructions for Evaluating Subject Matter Eligibility under 35 U.S.C. § 101, Aug. 24, 2009; p. 2 and Official Gazette Notice

Note: a “tangible medium” includes transitory propagating signals as the modifier/adjective “tangible” means capable of being touched or perceived and signal (e.g. sound) can be perceived.

4. The Examiner suggests that the Applicant add the limitation "non-transitory" to the term "computer readable medium" or change it to "computer usable memory", or "computer usable storage memory", or "computer readable memory", or "computer readable device" to “the computer readable medium” as recited in the

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claim(s) or adding “wherein the medium is not a signal” in order to properly render the claim(s) in statutory form in view of their broadest interpretation.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-27 and 29-36 are rejected under 35 U.S.C. 102(a) as being anticipated by Dowling [U.S. Patent No. 6,636,499].

7. Dowling anticipated the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference anticipated a client-side auto-rediscovery system, comprising: a data store (i.e., a memory or a database) associated with a service requesting networked device (i.e. see col. 8 (lines 3-4), col. 3 (line 21) to col. 4 (line 21)) configured to store a pairing data (i.e., source and destination addresses, 2 fields of Ethernet Frame at col. 2 (line 44) to col. 3 (line 60)) that relates said service requesting networked device and a service providing networked device; and a logic (i.e. see col. 4 (lines 7-21)) associated with said service requesting networked device configured to, in response to said service requesting device sending a service request to said service providing networked device, determine whether the pairing data should be updated and to update the pairing data if said pairing data is not valid (i.e. enable the automatic discovery of switches or other network devices, see col. 6 (lines 54-55)).

8. As to claim 2, Dowling further anticipated the data store comprises a memory (i.e. see 280).

9. As to claim 3, Dowling further anticipated the pairing data comprises an IP address (i.e., see 124 of Fig. 12, col. 6 (lines 23-56)).

10. As to claim 4, Dowling further anticipated the unique hardware identifier comprises media access control (MAC) address (i.e. see 208 of Fig. 2B, col. 3 (line 9), col. 6 (lines 23-56)).

11. As to claim 5, Dowling further anticipated the service requesting networked device comprises a server (i.e. see a server 20, col. 1 (line 61), col. 4 (lines 8-21)).

12. As to claim 6, Dowling further anticipated the service providing networked device comprises a server (i.e. see a server 20, col. 1 (line 61), col. 8 (lines 8-21)).

13. Claims 26, 27 and 29 are rejected for the same rationale as claims 1-6, since they recite substantially identical subject matter. Any differences (such as XML File, periodically performed the process, and a table) between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited references.

14. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 10-25 and 30 are allowable.

16. Applicant's arguments filed 09/23/2011 have been fully considered but they are not persuasive. In the remark, applicants argued that:

a) Dowling does not teach "**logic associated with said service requesting networked device configured to, *in response to said service requesting device sending a service request to said service providing networked device*, determine whether the pairing data should be updated.**"

b) Dowling does not teach or suggest a system that "***in response to said service requesting device sending a service request to said service providing networked device*, determine whether the pairing data should be updated.**"

c) Dowling does not teach or suggest a system wherein the process of **determining whether pairing data should be updated is initiated by the service requesting device sending a service request.**

17. In response to the paragraph 16 a) to 16 c) above, Examiner respectfully disagrees because to the extent of claimed language Dowling taught those features. For example, Dowling clearly disclosed the pairing data (i.e., source and destination addresses, 2 fields of Ethernet Frame at col. 2 (line 44) to col. 3 (line 60)) that relates said service requesting networked device and a service providing networked device; and a logic (i.e. see col. 4 (lines 7-21)) associated with said service requesting networked device configured to, in response to said service requesting device sending a service request to said service providing networked device, determine whether the pairing data should be updated and to update the pairing data if said pairing data is not valid (i.e. enable the automatic discovery of switches or other network devices, see col. 6 (lines 54-55)). Yes, Dowling did not use the same language as claims, however given the broadest interpretation of the claimed language, Dowling does teach those features.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter.

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing

date of this communication.

If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Tuesday to Friday from 7:10 AM to 5:40 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele, can be reached on 571-272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

October 27, 2011

/Krisna Lim/

Primary Examiner, Art Unit 2453